

Document: Final Rule

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TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #00-139(F)

DIGEST

Amends 326 IAC 21-1-1 concerning the acid deposition control. Effective 30 days after filing with the secretary of state.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Notice of First Hearing: July 1, 2000, Indiana Register (23 IR 2611).

Date of First Hearing: August 2, 2000.

Proposed Rule and Notice of Public Hearing: September 1, 2000, Indiana Register (23 IR 3150).

Date of Second Hearing: October 4, 2000.

326 IAC 21-1-1

SECTION 1. 326 IAC 21-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 21-1-1 Incorporation of federal regulations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The air pollution control board incorporates by reference the provisions of:

- (1) 40 CFR 72 through 40 CFR 78;
- (2) 61 FR 59142;
- (3) 61 FR 67111;
- (4) 61 FR 68821; and
- (5) 62 FR 3463;
- (6) 62 FR 55460 (October 24, 1997);
- (7) 63 FR 18837 (April 16, 1998);
- (8) 63 FR 57498 through 63 FR 57514 (October 27, 1998);
- (9) 63 FR 68400 (December 11, 1998); and
- (10) 64 FR 28564 through 64 FR 28672 (May 26, 1999)*;

for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act **and to incorporate monitoring, record keeping, and reporting requirements for nitrogen oxide emissions to demonstrate compliance with nitrogen oxides emission reduction requirements.**

(b) The ~~term~~ **following definitions apply throughout this section:**

(1) **“Administrator” means the administrator of the U.S. EPA.**

(2) **“Permitting authority” shall mean means the commissioner of the department of environmental management. and the term “administrator” shall mean the administrator of the U.S. EPA.**

(c) If the provisions or requirements of ~~40 CFR 72 through 40 CFR 78, 61 FR 59142, 61 FR 67111, 61 FR 68821, and 62 FR 3463*~~ **established in subsection (a)** conflict with or are not included in the provisions of 326 IAC 2-7 and 326 IAC 2-8, the provisions and requirements of:

- (1) 40 CFR 72 through 40 CFR 78;
- (2) 61 FR 59142;
- (3) 61 FR 67111;
- (4) 61 FR 68821; and

(5) 62 FR 3463; ~~shall~~
(6) 62 FR 55460 (October 24, 1997);
(7) 63 FR 18837 (April 16, 1998);
(8) 63 FR 57498 through 63 FR 57514 (October 27, 1998);
(9) 63 FR 68400 (December 11, 1998); and
(10) 64 FR 28564 through 64 FR 28672 (May 26, 1999)*;
apply and take precedence.

*Copies of the Code of Federal Regulations (CFR) and the Federal Register (FR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 21-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2283; filed Dec 1, 1997, 4:30 p.m.: 21 IR 1285; filed Mar 23, 2001, 3:06 p.m.: 24 IR 2429*)

LSA Document #00-139(F)

Proposed Rule Published: September 1, 2000; 23 IR 3150

Hearing Held: October 4, 2000

Approved by Attorney General: March 6, 2001

Approved by Governor: March 21, 2001

Filed with Secretary of State: March 23, 2001, 3:06 p.m.

Incorporated Documents Filed with Secretary of State: 40 CFR 72 through 40 CFR 78; 61 FR 59142; 61 FR 67111; 61 FR 68821; 62 FR 3462; 62 FR 55461 (October 24, 1997); 63 FR 18837 (April 16, 1998); 63 FR 57498 through 63 FR 57514 (October 27, 1998); 63 FR 68400 (December 11, 1998); 64 FR 28564 through 28672 (May 26, 1999).